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DESKBOOK ON LAND TITLES AND LAND LAW, by Thomas J. McDermott. The W. H. Anderson Company, Cincinnati, 1954. Pp. 711. \$20.00.

Arthur B. Custy

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great advantage to the wealthy litigant. "Many appeals are little more than gambling on the costs."

5. The author strongly favors the Legal Aid and Advice Act enacted in 1949, sometimes characterized here as socialized law. He points out, what is commonly ignored in this country, that the administration of the act is in the hands of the legal profession, primarily the solicitor, and that the principal contribution of the government is to finance the program. He observes, "It secures the service of professional men without there being any feeling of regulation or control of their activities, and it goes a long way to ensure that assisted persons will be treated like ordinary clients." Yet he points a warning: "There are obvious dangers in entrusting the legal aid service to the legal profession, for any close body may become insensitive to public needs."

The book represents a deep and understanding study of the judicial system in England. It is required reading for any student of British justice for it contains explanations and information about the practical operation of their system not to be found in any other source. Its reading will compel reflection on corresponding problems arising in American justice. There is a genuine need for a similar examination of the machinery of justice in America. There is none now.

*Maynard E. Pirsig\**

DESKBOOK ON LAND TITLES AND LAND LAW, by Thomas J. McDermott. The W. H. Anderson Company, Cincinnati, 1954. Pp. 711. \$20.00.

Any undertaking of the nature of the work expressed in the title to McDermott's book must conservatively be said to be an ambitious one indeed. Uniquely in the field of property law, statutes, decisions and customs of the jurisdiction in which the problem arises control. To be sure, there are many of the so-called fundamental concepts which are also said to be universally applicable; however, the adherence to these by the courts is more noteworthy by their breach, as evidenced by the enormous list of cases reflecting studied distortion of the facts which evoke decrees of nonapplicability of the general accepted rule.

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If a project of the type McDermott has undertaken will be used as a vehicle to assist the practicing attorney in his thinking with respect to the plethora of decisions and statutes with which he is confronted, it will serve its purpose well. The practice of land title work requires a detailed knowledge of the statutes and decisions of the jurisdiction in which the attorney is practicing. This skill can be acquired only by detailed independent study. McDermott, who is a highly skilled land attorney, details *caveats* of this nature in his work.

On many occasions the land lawyer is confronted with problems which, as yet, have not been decided by the highest court of the jurisdiction in which he practices. Here, then, is an area where the attorney must turn to decisions and statutes of other jurisdictions. McDermott's *Deskbook* will serve as an excellent point of beginning in the search to produce fruitful legal materials necessary to write a brief, advise clients as to the risks involved in a doubtful undertaking, and generally serve a useful purpose where doubt and indecision prevail.

The classical property and conveyancing materials are discussed in this one volume work. Abstracts and records of title are treated in the first chapter. The discussion concerning this subject encompasses records and recording laws, notices, priorities, examination and registration of title. In most of the agricultural states the problem of adverse possession is one which is daily litigated. McDermott extends as thorough a treatment to this subject as the size of the book permits. Beginning with the acquisition of an interest by adverse possession, the subject is subdivided to include adjoining owners, boundaries, remaindermen and reversioners, cotenants, mines and minerals and trustees, the traditional aspects of adverse possession, including the statutory period, doctrine of tacking, the fact of a hostile possession under a claim of right, the nature of the possession being actual, visible and exclusive and the doctrine of adverse possession under color of title.

Twenty-nine chapters of material are included in the work; it is obvious that no detailed treatment can be given to any one subject in a book of this nature. Mr. McDermott has wisely refrained from unbalancing the book by giving any one topic more detailed attention than another. The subjects appear to be discussed according to their relative importance. McDermott's estimate of the practicing attorney's need is obviously a studied one and is viewed from the experience the author has obtained

over many years. The correlation of the topical index with the methods and techniques of legal researchers is well done.<sup>1</sup> Here, again, experience has dictated need: the demands of time, pressure of practice, the need for immediate and accurate information by the busy attorney is implicit throughout this book. There is no excess verbiage; the style is concise, informative, legalistic and exhibits a high degree of scholarship not frequently attained in books of this purport.

The only chapter that appears too sketchy is that dealing with minerals, oil and gas. In many of the states in the United States the production of oil and gas is vital to their economic growth. Large oil fields with a myriad of oil and gas title problems present difficulties to a great segment of the members of the American Bar. Mr. McDermott could enlarge easily the scope of this chapter and publish it in the pocket part section of the book.

Other chapters deal with boundaries and descriptions, corporations and associations, cotenancy and joint ownership, covenants and restrictions, crops, deeds, wills, easements, future interests, husband and wife, and landlord and tenant. Infants, insane persons and other incompetents, judgments and judicial sales are also dealt with in separate chapters. Liens, mortgages and trusts receive adequate treatment separately.

The public law aspect of property is not overlooked. The State and its subdivisions and the United States contain a reference to problems confronted by counties, townships, schools and municipal corporations. Dedications under the statutes and the common law is included. Problems dealing with eminent domain, public lands and zoning are included in separate divisions.

Mr. McDermott does not offer his *Deskbook* as a treatise which purports to answer all of the problems of the property lawyer. Rather it is offered as a guide to indicate the trend of future decisions in the state in which the problem arises, to help clarify decisions in the jurisdiction in which the problem is presented, and for the purpose of making an affirmative statement of the law where the rule in question is well established and where, other than for a brief reference, the local law is silent.

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1. In this connection the book cites many of the standard property treatises now current: American Jurisprudence, American Law of Property, American Law Reports, Corpus Juris Secundum, Powell's Law of Real Property, Restatement of Law of Property, Simes' Law of Future Interests, Thompson's Law of Real Property and Tiffany's Law of Real Property.

The *Deskbook on Land Titles and Land Law* is recommended as a brief statement of the law on the problem with sufficient references to enable the lawyer to transfer to one of the standard treatises on property.

Arthur B. Custy\*

GRUNDGEDANKEN DER AMERIKANISCHEN VERFASSUNG UND IHRE VERWIRKLICHUNG, by Karl Carstens. Duncker & Humblot, Berlin, 1954. Pp. 266.

There has been a flood of German translations of American constitutional and political literature since the war; but dissertations on selected aspects apart, there has been no original German presentation of our constitutional scene. For this reason Carstens' slender but substantial book fills an important gap. It presents to the interested German public both a short outline of the underlying political principles and a more detailed guide through the maze of constitutional doctrines and interpretations. The barriers to such an attempt are formidable. There are first the linguistic difficulties: concepts often lose their concise meaning in the process of translation; yet, the author has in most cases overcome this barrier successfully; if his attempt at maximally close correspondence of concepts may at times offend aesthetic feelings, his German reader will at least know what the author is talking about. The other difficulty derives from the need for selectiveness in presentation. Which of the myriad of constitutional interpretations are relevant enough to be treated in more detail and which may be summarized? The author has selected the problems connected with the civil liberties complex with all the nuances of the fourteenth amendment interpretations for more detailed treatment. His German reader is likely to appreciate especially his discussion of the Jehovah's Witnesses cases, the Communist, and Negro problems. The book was published before the decision in *Brown v. Board of Education* and related cases, and the author's discussion of judicial tendencies in the field foreshadowed these recent developments.

Given the magnitude of his task, mistakes and omissions are surprisingly few. The author unaccountably perseveres in thinking of Justice Roberts as having died in office. While relations between emergency situations and the metamorphosis of the

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